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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,105	01/16/2004	Brian Simpson	3196.01US02	7392

24113 7590 12/28/2004

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER	
GRAHAM, MARK S	

ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/760,105	SIMPSON, BRIAN	
	Examiner	Art Unit	
	Mark S. Graham	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/9/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-8, 10-13, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Hanoun. Collins discloses the claimed device and method with the exception of the adjustable tilt feature. However, as disclosed by Hanoun it is known in the art to provide a vertical support member that allows for adjustable tilt. It would have been obvious to one of ordinary skill in the art to have provided Collins' target green in the same fashion to allow a golfer to adjust the angle of the target as desired, (Claims 1, 3, 12, 15)

Concerning claim 4, Collins' frame is capable of receiving weighting means which is all that the claim requires.

Regarding claim 5, elements 10 and 12 of Collins may be considered "extensions".

With regard to claims 6-8 and 17-19, note rotatably coupled electronic display 19. It displays shot results which are sports results.

Concerning claim 10, Hanoun teaches that a rib and cross-member support structure such as that claimed is known in the art. It would have been obvious to one of ordinary skill in the art to have supported Collins concave target in the same manner if it was desired to break it up into target zones as is done with Hanoun's device for scoring purposes.

Regarding claim 11, depending on the angle at which one wished to dispose the Collins device it would inherently retain a golf ball.

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara in view of Hanoun. Uehara discloses the claimed device and method with the exception of the adjustable tilt feature. However, as disclosed by Hanoun it is known in the art to provide a vertical support member that allows for adjustable tilt. It would have been obvious to one of ordinary skill in the art to have provided Uehara's target green in the same fashion to allow a golfer to adjust the angle of the target as desired.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Mueller. Claim 9 is obviated for the reasons explained in the claim 1 rejection with the exception of the details of how Hanoun's vertical support member 21 is adjusted. However, as disclosed by Mueller it is known in the art to adjust the length of such member by using telescoping tubes, (Note members 630, 632). It would have been obvious to have used such a system to adjust the height of Hanoun's member 21 as well to allow it to be easily adjusted between different heights.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 12 above, and further in view of Takagi.

Claims 13 and 14 are obviated for the reasons set forth in the previous action with the exception of the use of a plurality of targets. However, as disclosed by Takagi it is known in the art to use a plurality of targets at a driving range. It would have been obvious to one of ordinary skill in the art to have provided a plurality of the Collins/Hanoun targets at a driving range as well to provide a variety of targets for different golfers.

Nichols et al., Cox, and Heffley, Jr. have been cited for interest because they disclose similar devices.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
12/20/04

Mark S. Graham
Primary Examiner